

HB 37

Weed Management on School Trust Lands

HB 37 allows the Montana Dept. of Natural Resources to control weeds on school trust land and bill noncompliant lessees/licenses for costs after notification.

School Trust Lands

When Montana became a state, the federal government granted it "school trust land." Today, the Department of Natural Resources and Conservation (DNRC) oversees the day-to-day management of approximately 5.2 million acres of school trust land, scattered across the state, with approximately 660,000 acres managed as forest land, 450,000 acres managed for cropland, and 4.1 million acres managed as rangeland. Oversight of these lands is controlled by the State Land Board, which consists of the Governor, Superintendent of Public Instruction, Auditor, Secretary of State, and Attorney General.

Weeds and School Trust Lands

Noxious weeds are impacting Montana's economy and environment. Currently 23 noxious weeds infest about 8 million acres in the state of Montana. These non-native species are reducing cropland and rangeland productivity, and impacting wildlife habitat. The 2005 *Montana Weed Management Plan* adopted by the Weed Summit Steering Committee and the Weed Management Task Force estimates that 9% of school trust lands are infested with noxious weeds, covering approximately 459,000 acres.

- A 2003 Legislative Performance Audit of the noxious weed program on school trust lands indicated that DNRC needed to improve its weed control program.
- HB 37 is a tool to improve weed control on school trust land.
- Currently the only way that DNRC can enforce weed control obligations on school trust lands is to cancel a lease/license. This is a drawn out process that does not lend itself to addressing weed problems in a timely fashion.
- HB 37 allows DNRC to FIRST notify lessees/licensees of school trust land that they have a weed control problem on the lands they have a lease/license on. IF THE PROBLEM IS NOT TAKEN CARE OF, DNRC can then [after additional notice] treat the weed problem and bill the lessee/licensee for the cost of weed management *plus* a penalty.
- The lessee/licensee can appeal the notice that there is a weed control problem.
- If the lessee/licensee feels that the problem is caused by recreational users, they can apply for weed control money from DNRC. Currently DNRC has approximately \$26,000 annually that they use to work with lessees/licensees on problems associated with recreational users on school trust lands, including weed control.
- Currently DNRC uses about \$47,000 annually on weed management on agriculture and grazing land, and \$90,000 annually to spend on weed management on forested lands. The Department of Agriculture estimates that it *currently costs \$25 - \$30 per acre to manage noxious weeds.*
- The language in HB 37 is patterned after the enforcement authority that the county weed districts have.

PLEASE NOTE: The majority of lessees recognize the importance of weed management and are willing to fulfill these requirements. The notice of non-compliance and enforcement provisions in sections 2 & 3 of HB 37, would only be implemented when a lessee/licensee fails to address weed management after previously being notified to do so.

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